

Sovereign Land Permit No. S-1949

Permittee: **Dakota Access, LLC**
1300 Main Street
Houston, TX 77002

Location: **SE ¼ NE ¼ of Section 23, Township 137 North, Range 84 West, Morton County.**

Project Description:

The Permittee is hereby authorized to install a welded steel crude oil pipeline beneath the bed of the Heart River in Morton County via horizontal directional drilling (HDD).

The project will involve installing approximately 1,270 lineal feet of 30-inch diameter welded steel pipe beneath the Heart River via HDD. Approximately 100 feet of the bore will occur approximately 35 feet below the bed of the Heart River. The beginning and end points of the bore will be located on private land approximately 370 feet and 800 feet from the right and left banks of the Heart River respectively. Block valves will be installed on each side of the crossing.

A temporary bridge will be installed over the river at the crossing location to facilitate pipeline construction. The bridge will be approximately 11 feet wide by 90 feet in length and will set on timber mats on each side of the river. Once the pipeline crossing is complete, the bridge will be removed and any disturbed areas will be reclaimed.

This authorization is subject to the conditions listed below and to the attached North Dakota Department of Health "Construction and Environmental Disturbance Requirements." Any other use of sovereign land is prohibited. Any proposed additional use must comply with the application and permitting process and all other requirements of state law.

General Conditions

1. Authorization of this undertaking is a privileged use of a public resource and does not constitute a property right. The public use and enjoyment of the Heart River is of high priority.

2. All construction, maintenance, and reclamation activities shall be carried out in a manner reasonably designed to prevent degradation of the Heart River.
3. The Permittee shall implement measures to minimize the opportunity for sediment to enter the Heart River during construction.
4. The Permittee shall comply with the North Dakota Department of Health's *Construction and Environmental Disturbance Requirements* (copy attached).
5. No work shall be conducted within the waters of the Heart River from April 15 to June 1 in order to protect fishery resources.
6. The Permittee shall comply with all state regulations with regard to the prevention of introduction of Aquatic Nuisance Species (ANS) into the state's waters. The Permittee shall contact Ms. Jessica Howell, ANS Biologist, North Dakota Game and Fish Department at (701) 253-6480 to schedule an inspection of all vehicles and equipment a minimum of 72 hours prior to those items being launched or placed in the Heart River.
7. Any construction debris or excess material shall be disposed of in a non-wetland, non-timbered upland site or in an approved landfill.
8. Any disturbed areas shall be revegetated with species native to the area.
9. Prior to or during construction, if items of substantial archeological value are discovered or a deposit of such items is disturbed, the Permittee shall cease construction activities in the area so affected. The State Engineer shall be promptly notified of the discovery, and construction will not resume until the State Engineer gives written permission.
10. This Authorization is site specific for the project as proposed and outlined in the application and supporting documents. Any changes or deviation from the site or design will need authorization from the State Engineer.
11. At the discretion of the State Engineer, in accordance with the exercise of any of the State Engineer's duties, the project is subject to modification or removal at the expense of the Permittee.
12. The State Engineer or the State Engineer's representative shall have access to inspect the authorized project during construction and associated activities and for the life of the project to ensure that it is being or has been accomplished and maintained in accordance with the terms and conditions of this Authorization.
13. The Permittee is responsible for obtaining any other local, state, or federal permits or approvals that may be necessary prior to construction.

14. By granting this Authorization, no liability for damages of any kind, including those caused by improper construction, operation and maintenance, design or failure in design, materials, or workmanship, is assumed by or transferred to the State of North Dakota, the State Engineer, the State Water Commission or any of their respective employees, agents, or assigns. The Permittee will indemnify and hold harmless the State of North Dakota, its officials, employees, agents, boards, commissions, and assigns for any and all liability for work performed and action taken under this Authorization.



Todd Sando
State Engineer

Date: 3/10/16

